



OFFICE OF THE COUNTY CLERK
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/county/clerk

November 7, 2022

Honorable Tamara Paltin, Chair
Planning and Sustainable Land Use Committee
Council of the County of Maui
Wailuku, Hawaii 96793

Dear Chair Paltin:

Respectfully transmitted are copies of the following documents that were referred to your Committee by the Council of the County of Maui at its meeting of November 4, 2022:

COUNTY COMMUNICATIONS:

No. 22-278 - Michele McLean, Planning Director

GENERAL COMMUNICATION:

No. 22-7 - Howard Kihune Jr., Aina Lani Pacific, LLC, Hoku'ula Partners LLC.

No. 22-8 - Francisco Gutierrez, A&B Properties Hawaii, LLC, Series T

RESOLUTION:

No. 22-253 - "REFERRING TO THE MAUI PLANNING COMMISSION A PROPOSED BILL TO CHANGE THE ZONING FROM M-1 LIGHT INDUSTRIAL DISTRICT AND OPEN ZONE DISTRICT TO B-2 BUSINESS DISTRICT FOR REAL PROPERTY SITUATED IN MĀ'ALAEA, MAUI, HAWAII, IDENTIFIED AS TAX MAP KEYS (2) 3-6-008-002 AND (2) 3-6-008-003 (MAUI OCEAN CENTER)"

Respectfully,

A handwritten signature in black ink, appearing to read "James G.M. Krueger", is written over a horizontal line.

JAMES G.M. KRUEGER
Deputy County Clerk

/jym
Enclosures
cc: Director of Council Services

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OFFICE OF THE
COUNTY COUNCIL



October 14, 2022

The Honorable Alice L. Lee, Chair
Members of the Maui County Council
200 S. High Street
Wailuku, Hawaii 96793

Ms. Lori Tsuhako, Director
Department of Housing & Human Concerns
County of Maui
2200 Main Street, Suite 546
Wailuku, Hawaii 96793

RECEIVED
2022 OCT 24 AM 11:03
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COUNTY CLERK

**Subject: Annual Status Report for Hali'imaile Change in
Zoning from Interim District to R-1 Residential
District & PK-1 Neighborhood Park District
Maui County Ordinance No. 3312**

Dear Council Chair Lee, Councilmembers and Ms. Tsuhako,

On behalf of Aina Lani Pacific, LLC, Hoku'ula Partners LLC hereby submits this annual status report to the Maui County Council and the Department of Housing and Human Concerns pursuant to Condition No. 17, set forth in Exhibit "C" of Ordinance No. 3312.

Preliminary subdivision approval for the project was granted in 2006, and an amended preliminary was most recently granted on September 26, 2021. Based on that amended plan, construction drawings were submitted to County agencies for review.

Listed below are each of the conditions imposed by the Council and the status of activities pertaining to each respective condition.

Condition No. I: That a left-turn storage lane shall be constructed on Hali'imaile Road at its intersection with the project. (As recommended by the Department of Public Works and Environmental Management and the Department of Police).

Hoku'ula Partners LLC has incorporated this requirement into the subdivision plan for the project.

Condition No. 2: That additional right-turn storage lane improvements shall be made to Hali'imaile Road at its intersection with Haleakala Highway to the satisfaction of State of Hawaii Department of Transportation and Department of Public Works and Environmental Management. As recommended by the Department of Public Works and Environmental Management and modified by the Maui Planning Commission ("Commission").

The State of Hawaii Department of Transportation (DOT) has improved Haleakala Highway and the intersection at Hali'imaile Road. Based on a traffic analysis report prepared by A&B, the DOT determined that the intersection will adequately serve expected traffic generated by the project.

Condition No. 3: That Alexander & Baldwin, Inc. ("A&B") shall assist the Department of Parks and Recreation in the site planning for the 10-acre park site, i.e., fields, parking, etc., and that the park site shall be graded, grassed, irrigated, and roadside perimeter landscaped. Further, the terms of the dedication to the County of Maui shall be to the mutual satisfaction of A&B and the Department of Parks and Recreation. (As recommended by the Department of Parks and Recreation).

On October 7, 2022, a Parks Dedication Agreement was executed with the Department of Parks and Recreation. That document is currently being recorded with the Bureau of Conveyances.

Condition No. 4: That A&B comply with those management measures as described by the State of Hawaii Department of Health (Department of Health) in its letter dated February 16, 1999. (As recommended by the Department of Health).

Hoku'ula Partners LLC will comply with the recommended management measures as described by the State of Hawaii Department of Health (DOH letter of February 16, 1999).

Condition No. 5: That a traffic signal be installed and operational at the intersection of Hali'imaile Road and Haleakala Highway prior to the first final building inspection. (As amended by the Commission).

This condition has been satisfied. The traffic signal at the intersection of Hali'imaile Road and Haleakala Highway has been installed and is operational.

Condition No. 6: That A&B shall participate in required infrastructural improvements for water, sewers, drainage, and roadway/traffic as determined by the appropriate County agencies to mitigate impacts resulting from the proposed development.

Infrastructure required for the project has been determined and is currently under review for approval by applicable governmental agencies.

Condition No. 7: That the construction of homes within the project shall not commence unless A&B has first secured a new well and transmission lines. The water source must (a) be sufficient to provide 600 gallons per day of water for each home to be constructed, (b) be available prior to occupancy of the home, and (c) meet all applicable standards of the Department of Water Supply. The Department of Public Works and Environmental Management shall ensure that this condition is satisfied prior to issuing any building permits for construction of any homes in the project. (As amended by the Commission).

Hoku'ula Partners LLC has secured a reliable source of water by way of developing a private water well to serve the project. The source will provide 600 gallons per day of water for each home constructed and will be available prior to occupancy of the home. All design and engineering are currently under review by applicable governmental agencies.

Condition No. 8: That A&B shall develop a new water storage tank to provide adequate water pressure to this development prior to final subdivision approval.

All design and engineering for the private water system is currently under review by applicable governmental agencies.

Condition No. 9: That design plans for house and lot packages provided by A&B shall be submitted to the Urban Design Review Board for review and approval.

At its regular meeting on August 2, 2022, the Urban Design Review Board reviewed the design plans for the house and lot packages of the proposed Hoku'ula subdivision. Based upon those considerations within the Board's purview, it voted to recommend approval.

Condition No. 10: That an eight (8) ft. walking path be incorporated into the project's buffer areas. In addition, a bikeway and/or walking path shall be developed along Hali'imaile Road fronting the project at such time as future road widening improvements are constructed. (As amended by the Commission).

The eight (8) ft. walking path has been incorporated within the project's overall design. Provisions for a bikeway and/or walking path along Hali'imaile Road fronting the project has also been incorporated into its design.

Condition No. 11: That A&B shall work with the existing community, the Department of Planning, the Department of Public Works and Environmental Management and adjacent landowners in community-based workshops to create a vision for the entire community that would maintain the rural character of this and future developments. The workshops shall consider such things as school sites, trails, transit stops, churches, daycare centers, and commercial areas, as well as appropriate rural subdivision standards. A&B shall report back to the Commission within one year from the effective date of this ordinance. (Recommended by the Commission).

The planning process for this project has involved numerous community meetings to attain community input concerning the vision, character and features desired in the project. A community association with CC&Rs has been incorporated as part of the project.

Condition No. 12: That A&B shall conduct soil testing to detect the presence of pesticides or other contaminants throughout the proposed subdivision for disclosure to potential buyers. A copy of the report shall be submitted to the Commission and the Department of Health within one year from the effective date of this ordinance. (Recommended by the Commission).

This condition has been complied with as stated in the 2006 annual report.

Condition No. 13: That at least two bus shelters shall be constructed within the project to accommodate pick-up and drop-off of the children.

In accordance with this condition, at least two bus shelters are being incorporated into the project's design.

Condition No. 14: That A&B shall provide for fifteen percent or twenty-five units, whichever is greater, of the total units to be affordable to persons or families whose incomes are identified as between one hundred and one hundred twenty percent of the area median income for the county as determined by the Department of Housing and Urban Development of the United States of America and the Department of Housing and Human Concerns. The affordable units shall be intermixed and constructed concurrently with the market-priced units.

Hoku'ula Partners LLC has executed an Affordable Workforce Housing Agreement with the Department of Housing and Human Concerns. The project consists of fifty percent (50%) or ninety-eight (98) Affordable Workforce Housing units between eighty percent and one hundred twenty percent of the area median income for the County of Maui as determined by the department of Housing and Urban Development of the United States of America.

Condition No. 15: That the Corporation Counsel and counsel for A&B shall work together to come up with a plan that would give qualified residents of Maui County first preference with this housing.

Hoku'ula Partners LLC has qualified all its buyers under Maui County Ordinance 2.96 regarding preference to qualified residents of Maui County.

Condition No.16: No transient vacation rentals shall be allowed within the subdivision.

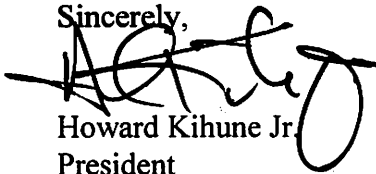
Hoku'ula Partners LLC has incorporated within the projects CC&R's along with language in all deeds restricting transient vacation rentals within the subdivision.

Condition No. 17: That A&B shall provide annual status reports to the Director of Housing and Human Concerns and the Council, commencing within one year of the effective date of the Change in Zoning, and ending five years after the last lot is sold. The status report shall include: (a) the number of affordable units and market priced units completed; (b) the number of affordable units and market-priced units sold; (c) for each unit, the sales price, square footage, number of bedrooms and baths, and lot size; (d) the income bracket for each purchaser of an affordable unit; (e) the number of units sold to employees of A&B; (f) the number of units sold to individuals who are not qualified residents as defined in the housing agreement; (g) the number of units offered for resale and the number of units sold on the resale market, if any; and (h) any buyback provisions, owner-occupancy requirements, or ohana-unit restrictions that apply.

Currently the project has contracted all 98 workforce housing units. Homes range from 2239 to 2641 square feet consisting of 3 and 4 bedrooms with 2 and or 3 baths. Lot sizes range from 7000 to 10,000 square feet. The deed restriction for all workforce units are 10 years.

Please contact the undersigned should you require any further information regarding this report.

Sincerely,

A handwritten signature in black ink, appearing to read "Howard Kihune Jr.", written over the printed name and title.

Howard Kihune Jr.
President